

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 51

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 21, 2000
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David Henion gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of November 14, 2000, were approved 7 to 0.

NEW BUSINESS

IRB ROYAL CARIBBEAN ISSUANCE OF INDUSTRIAL REVENUE BONDS – ROYAL CARIBBEAN CRUISES, LTD. (District IV)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-1138.

Background: On November 18, 1997, Council approved the issuance of Industrial Revenue Bonds ("IRBs") in the amount of \$6 million to acquire, renovate and equip a 23,000 sq. ft. facility located at 4729 S. Palisade in south Wichita, for use as a telephone reservation center. Royal Caribbean was also granted a 100% ad valorem tax abatement for a 5-year period. Royal Caribbean created 500 jobs as a result of the 1997 bond issue.

On October 12, 1999, the City Council approved the issuance of a new Letter of Intent for additional IRBs, and a 100% five-plus-five-year property tax exemption, to finance an expansion of the current Wichita facility. Bond proceeds will be used to finance the construction and equipping of a two-story office facility of 65,000 sq. ft. located at 4729 S. Palisade in south Wichita. On September 26, 2000, City Council approved an additional six-month extension of the Letter of Intent; and on November 7, 2000, City Council increased the not-to-exceed amount of the Letter of Intent to \$19,800,000. Royal Caribbean is now requesting the issuance of the IRBs. Royal Caribbean is also requesting waiver of the usual requirement for title insurance as was done in the 1997 bond issue, due to Royal Caribbean purchasing 100% of the bonds.

Royal Caribbean, based in Miami, Florida, is one of the largest cruise lines in the world. Royal Caribbean anticipates significant growth as a result of its fleet expansion program.

Royal Caribbean currently has nine new cruise ships on order for delivery through 2002. The new cruise ships will provide additional capacity of 21,700 berths. Royal Caribbean expects to create 390 new jobs in the next three years, bringing total Royal Caribbean employment in Wichita to over 890.

An analysis of the anticipated uses of project funds is:
USES OF FUNDS

Construction of New Office Building	\$ 9,825,000
Technology Infrastructure and related equipment	4,664,000
Furnishings	2,733,000
Acquisition and Construction of Parking Lot	<u>2,578,000</u>
Total Cost of Project:	\$19,800,000

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 52

The bonds will be purchased by the company. Royal Caribbean has complied with the Standard Conditions contained in the City's IRB Policy, with the exception of obtaining title insurance, which requirement could reasonably be waived given Royal Caribbean's purchase of all the bonds.

Royal Caribbean Cruises Ltd. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The City Council has approved a 100% five-plus-five-year property tax exemption of ad valorem property taxes on the expansion project.

Bond documents have been prepared by Hinkle Elkouri, bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Rogers Council Member Rogers inquired regarding the status of the various IRB issues regarding the stipulations of the incentive requirements of using minority contractors.

Allen Bell Financial Projects Director responded that the City can and does require publication of a notice (in the City's legal paper) advertising the project and minority eligibility. This is as far as the City can go to require compliance with Incentive Policy requirements.

At the end of year 2000, all IRB issued companies will be required to provide a report of compliance. Compliance is strongly encouraged but has not happened.

Council Member Rogers Council Member Rogers stated that only the Boeing Company has made any inroads on these requirements, and he is disappointed with a significant number of companies in that area.

Motion -- Gale moved that a waiver of the title insurance requirement and first reading of the Bond Ordinance be approved; -- carried and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of not to exceed \$18.9 million for the purpose of providing funds to acquire a site and construct improvements thereon and to acquire, purchase, and install certain machinery and equipment therein, all to be located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a first supplemental trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing execution of a first supplemental lease agreement by and between Royal Caribbean Cruises LTD. and the City; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and between the City and Royal Caribbean Cruises LTD., as purchaser of the 2000 bonds, introduced and under the rules laid over.

CHAMBER REPORT

CHAMBER OF COMMERCE REPORT – ECONOMIC DEVELOPMENT ACTIVITIES.

John Rolfe John Rolfe, Chamber of Commerce Vice President for Economic Development, presented a report on the first two quarters of 2000 City-County economic development activities.

Agenda Report No. 00-1139.

On April 11, 2000, the City Council approved a contract with the Wichita Area Chamber of Commerce to provide economic development services in an amount not to exceed \$180,000. The contract covered economic development activities of the Chamber during 2000. The contract is a joint economic development effort with the Chamber, the County, and the City. Under the contract, the Chamber manages the economic development efforts on behalf of the City and County and work with the respective staffs on projects. Under the terms of the contract, the Chamber is required to meet certain goals as contained in the approved business plan. The Chamber's Vice President for Economic Development, will present a report to the City Council on City-County economic development activities during the first two quarters of 2000.

The 2000 Economic Development Business Plan has five major areas: Business Development; Research Support; Workforce Development; Air Service; and Community Marketing. City funding is requested for part of the Business Development Activities. These activities focus on the following goals:

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 53

Local Expansion/Retention of Existing Businesses. Provide community support to existing businesses by assisting in eliminating inhibitors to growth and assisting in expansion opportunities to secure 1,500 new or saved jobs in the area.

Business Recruiting. Obtain commitment from new companies to locate a facility in the Wichita area and add 1,500 new jobs in 2000.

Downtown Core Area. Promote and market growth to encourage new and retained investment in Wichita's downtown to increase building occupancy and increase favorable downtown projects.

New Business Development. Work with local service organizations to promote/enhance the creation of new jobs through business start-ups and new business ventures.

Work covered by the 2000 Contract for Services is carried out by the Chamber's Economic Development Department. City funding supports an additional professional position in the Department, Economic Development Director, to assist in the area of recruitment and expansion/retention and perform other activities to meet the performance requirements with the City. Other Chamber staff provide support in the areas of research, workforce development and marketing. Economic development efforts are augmented by a work group consisting of economic development staff from the City, County, State, local non-governmental agencies and utilities.

Funding for the contractual services is budgeted in the City's Economic Development Trust Fund. City funding is used to fund staff costs in the approximate amount of \$83,000, direct economic development expenses of approximately \$89,000, and approximately \$8,000 for economic development marketing expenses.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

LEGISLATIVE PROG.

2001 LEGISLATIVE PROGRAM.

Mike Taylor

Governmental Relations Director reviewed the Item.

Agenda Report No. 00-1140.

The process of drafting the 2001 legislative program began in August when requests for proposed legislation were distributed to City Council members, City Departments and District Advisory Boards. Many of those requests have been included. Discussions have also taken place with Sedgwick County, Regional Economic Area Partnership, League of Kansas Municipalities, Kansas Association of Counties, USD 259, Wichita Area Chamber of Commerce, Wichita Independent Business Association, legislators and others in an effort to identify and prepare for issues which are likely to be debated by the 2001 Legislature.

To keep the 2001 Legislative Program manageable and as effective as possible, the requests for specific, new legislation initiated by the City of Wichita are kept to a minimum. The program includes position statements on a variety of issues. This approach allows the City to establish general goals and positions, giving it the flexibility to react to any number of specific bills during the session. Strategies for promoting or responding to individual pieces of legislation are done on a case by case basis as the specific situation demands.

The program is divided into the following issue sections:

- (1) Taxes and Finance
- (2) Health and Environment
- (3) Transportation
- (4) Public Safety
- (5) Community Development
- (6) Local Government Administration
- (7) Home Rule
- (8) Federal Issues

The Position Statements will allow the City to respond to issues and debate within an established policy framework as specific bills and proposals are drafted.

Position statements and proposals in the 2001 Legislative Program will provide the City the legal authority to enhance and improve government operations and services for the public.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 54

Any number of legislative actions can impact City finances. The 2001 Legislative Program is designed to help the City maintain or improve its ability to control the financing of local government services to best serve the citizens of Wichita.

- Mayor Knight Mayor Knight said he was unsure of his support regarding the Item opposing City support of opposition to the living wage item.
- Council Member Pisciotte Council Member Pisciotte asked that the words "income taxes" be removed from the "Local Option Taxes and Fees" paragraph.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.
- Motion -- Knight moved that the 2001 Legislative program be approved, with concerns expressed being addressed, and presentation to appropriate agencies be authorized. Motion carried 7 to 0.
-- carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

- Motion -- Martz appointed Joe Todd (Park Board), effective December 11, 2000, and moved that the appointment be approved. Motion carried 7 to 0.
-- carried

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 10e and 13, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 20, 2000.

Bids were opened November 17, 2000, pursuant to advertisements published on:

Main 11, Sanitary Sewer No. 23 to serve Sawmill Creek Addition (north of 45th Street North, east of Rock Road) (468-83116/743846/480534) Does not affect existing traffic. (District II)

Wildcat Construction - \$207,140.00

Flora from the north line of St. Louis to 160' south of Central to serve Fruitvale Park Addition (south of Central, east of Hoover) (472-83146/765602 /490713) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$110,534.80

Mount Vernon from the east line of Lot 3, Block 5, to the east line of Lot 20, Block 6; Longlake Street from the east line of Lot 10, Block 6, to the southeasterly line of Lot 16, Block 6; Justin Street from the southeasterly line of Lot 16, Block 6, to the north line of Mount Vernon, and; Justin Circle from the south line of Mount Vernon to and including cul-de-sac to serve Smithmoor 9th Addition (south of Harry, west of Greenwich) (472-83109/765648/490759) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$187,928.00

Water Distribution System to serve Smithmoor 9th Addition (south of Harry, west of Greenwich) (448-89400/734983/470653) Does not affect existing traffic. (District II)

WBW Contractors - \$28,173.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 55

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Northeast Maintenance Substation Modification. (702035)

Descon Inc. - \$305,701.00 (Total base bid)
\$128,147.00 (Add alternate 1)
\$ 34,613.00 (Add alternate 2)
\$ 10,361.00 (Add alternate 3)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition of 7201, 03, 04, 07 West Central. (706705)

National Builders Inc. - \$8,800.00 (Total base bid)

HEALTH DEPARTMENT/ANIMAL CONTROL DIVISION: Repair Two Incinerators. (792310)

FC Industries Inc. - \$17,210.00 (Total base bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Signal Equipment. (132217)

Mid American Signal - \$36,775.00 (Total net bid)

WATER DEPARTMENT/SEWAGE TREATMENT DIVISION: Phase 1 Site Work at Northwest Plant 3. (624057)

Dondlinger & Sons Construction Co. Inc. - \$1,875,000.00 (Total base bid)

PARK DEPARTMENT/RECREATION DIVISION: Storm Water Drainage System – Schell Park. (785104)

Dondlinger & Sons Construction Co. Inc. - \$26,750.00 (Total net bid)

POLICE DEPARTMENT: Handguns. (083600)

The Arsenal Inc. - \$14,540.85 (Total net bid)

POLICE DEPARTMENT: Police Officer Uniforms. (083600)

Baysinger Police Supply - \$ 26.25* (Per each/Line No. 001)
\$ 38.75* (Per each/Line No. 002)
\$ 8.75* (Per each/Line No. 003)
\$ 8.75* (Per each/Line No. 004)
\$ 8.75* (Per each/Line No. 005)
\$ 9.25* (Per each/Line No. 006)
\$ 70.00* (Per each/Line No. 007)
\$ 69.25* (Per each/Line No. 008)
\$ 70.00* (Per each/Line No. 009)
\$ 35.50* (Per each/Line No. 0010)
\$ 35.50* (Per each/Line No. 0011)
\$ 32.25* (Per each/Line No. 0012)
\$ 32.25* (Per each/Line No. 0013)
\$ 29.50* (Per each/Line No. 0014)
\$ 29.50* (Per each/Line No. 0015)
\$ 40.25* (Per each/Line No. 0016)
\$ 2.00* (Per each/Line No. 0017)
\$ 40.25* (Per each/Line No. 0018)
\$ 2.00* (Per each/Line No. 0019)
\$ 36.75* (Per each/Line No. 0020)
\$ 36.75* (Per each/Line No. 0021)
\$ 29.50* (Per each/Line No. 0022)
\$ 3.00* (Per each/Line No. 0023)
\$ 68.00* (Per each/Line No. 0024)
\$162.25* (Per each/Line No. 0025)
\$ 3.00* (Per each/Line No. 0026)

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 56

\$258.25* (Per each/Line No. 0027)
\$ 30.00* (Per each/Line No. 0028)
\$111.00* (Per each/Line No. 0029)
\$ 25.00* (Per each/Line No. 0030)
\$ 17.75* (Per each/Line No. 0031)
\$.675* (Per each/Line No. 0032)
\$ 8.25* (Per each/Line No. 0033)
\$ 5.00* (Per each/Line No. 0034)
\$ 8.75* (Per each/Line No. 0035)
\$ 8.75* (Per each/Line No. 0036)
\$ 7.75* (Per each/Line No. 0037)
\$ 7.00* (Per each/Line No. 0038)
\$ 7.00* (Per each/Line No. 0039)
\$ 6.35* (Per each/Line No. 0040)
\$ 7.00* (Per each/Line No. 0041)
\$ 3.50* (Per each/Line No. 0042)
\$ 4.50* (Per each/Line No. 0043)
\$ 5.50* (Per each/Line No. 0044)
\$ 5.25* (Per each/Line No. 0045)
\$ 20.50* (Per each/Line No. 0046)
\$ 3.75* (Per each/Line No. 0047)

*10-30% Oversize charges

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

CLAIMS

REPORT ON CLAIMS ALLOWED – OCTOBER, 2000

<u>Name of Claimant</u>	<u>Amount</u>
Dr. Dae H. Chang	\$483.69*
Luke Ellis	\$150.00
Kathleen Parker	\$158.00
Madge Bradbury	\$68.84
James W. Papen	\$253.00
Westlake Ace Hardware	\$125.00*
Pamela LaBrue	\$50.00
Mark Betts	\$400.00

*Settled for amount less than amount claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Doug Beckham	Lenora's Place	1528 South Washington
<u>New Establishment</u>	<u>2000</u>	<u>Consumption on Premises)</u>
*B.J. Berning dba	Pizza Villa	2342 South Maize Road

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 57

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

GROUNDWATER

CONTRACT FOR WELL REHABILITATION AT BROOKS LANDFILL. (District VI)

Agenda Report No. 00-1141.

The Groundwater Remediation system at Brooks Landfill consists of two treatment phases. The first is an air sparge system which utilizes 66 – 2" sparge wells through which air is pumped into the groundwater to volatilize contaminants. The air stripping system draws contaminated water from the aquifer, which has left the landfill, into a large extraction well and pumps it to the stripper for treatment.

During the course of operation, the air sparge wells and the large extraction well become partially plugged due to minerals and bacteria in the groundwater. When this occurs, the treatment process loses efficiency and the risk of contaminants getting past the system increases.

The Brooks Groundwater Remediation system has been operational for over two years. Buildup on the air sparge and extraction well has occurred and the treatment system efficiency has been reduced.

Camp Dresser & McKee, Inc. (CDM) requested quotes from various companies to rehabilitate the air sparge and extraction well. Only one response was received, from Layne Western, for \$26,920.

Funding is available in the 2000 Groundwater Remediation System budget.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER

GYPSUM CREEK RESTORATION PROJECT – WATER QUALITY ANALYSIS/BIOLOGICAL MONITORING. (District I and II)

Agenda Report No. 00-1142.

The City of Wichita has received a grant from the Kansas Department of Health and Environment for a demonstration project to restore water quality in Gypsum Creek, a tributary to the Arkansas River. The project will be completed in two phases: Phase I - a watershed analysis to define the deficiencies and identify possible solutions; and Phase II - construction of the recommended improvements to enhance water quality. The watershed analysis will require chemical water quality testing and biological monitoring.

Since the grant was awarded, City staff representatives and Kansas Department of Wildlife and Parks personnel have put together a team to assist in the water quality analysis and biological monitoring. Time spent by these team representatives would be considered a local match to the grant. This staff team has recommended that the City hire Mike Lydy, Ph.D, Associate Professor, Department of Biological Sciences at Wichita State University to assist them in their effort. The Kansas Department of Health and Environment (KDHE) has worked with Dr. Lydy on similar projects, and strongly concurs with the staff team recommendation due to Lydy's expertise and familiarity with the City's drainage systems. Public Works concurs with the team recommendation.

The City of Wichita has received a \$95,000 grant from the United States Environmental Protection Agency through KDHE for the project, which is being matched with \$63,333 in non-federal contributions from in-kind services or cash from the Storm Water Utility 2000 operating budget. The total watershed analysis budget is \$158,333. The cost of the proposed Contract with WSU is \$38,339, paid from available project funds. Wichita State University will also provide \$13,429 in in-kind services for the project, reducing the overall cash non-federal contribution accordingly.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 58

SETTLEMENT

SETTLEMENT AGREEMENT, GILBERT & MOSLEY.

Agenda Report No. 00-1143.

On October 7, 1998, the City of Wichita filed a lawsuit against twenty-six parties in City of Wichita v. Aero Holdings, et al., No. 98-1360-MLB. The City alleged that these parties were responsible for the groundwater contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Several of the defendants have already settled the City's claims and additional companies now propose to settle.

Under the proposed Settlement and Release Agreement with Harcros Chemicals, Inc. and T H Agriculture & Nutrition, L.L.C., the City would drop its claims against these companies for response costs in the Gilbert & Mosley Site. These companies have occupied the site at 727 East Osie. The companies at this site were not named as defendants in the litigation, but they have long committed to pay their fair share of site costs. The proposed agreement provides for payment to the City of \$1,325,000. The parties will seek Court approval of the settlements.

The settlement sum will be paid into the Gilbert & Mosley TIF fund and be used for the expenses of the Project.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT PAYMENT, ADAMSON AND WADLEY CASES - SOUTH SENECA FLOODING. (District. IV)

Agenda Report No. 00-1161.

In 1996 and 1997, the City was sued for damages to real and personal property as a result of elevated groundwater. The plaintiffs claimed that the cause of the damage was the City's design and construction of public improvements (street paving and storm water) from 47th Street South to the Big Ditch.

The remaining plaintiffs in these two cases have offered to settle their claims against the City for the sum of \$350,000.

The cost of this settlement is to be paid from the Stormwater Utility Fund.

Motion --
-- carried

Knight moved that payment to the plaintiffs in the amount of \$350,000 as full settlement of Adamson, et al. v. City of Wichita, Case No. 96 C 902, and Wadley Homes, Inc., et al. v. City of Wichita, Case No. 97 C 2327, be approved. Motion carried 7 to 0.

WATER

SUPPLEMENTAL AGREEMENT FOR INDEX WELLS – BURNS AND MCDONNELL.

Agenda Report No. 00-1144.

On October 3, 2000, the City Council authorized several projects for the development of new water supplies for the City. The projects are for the development of water supplies to meet the needs of the City through the year 2050.

A major component of the Water Supply Plan is to recharge the Equus Beds Wellfield using water from the Little Arkansas River. Index wells are needed to adequately measure the quantity of water stored in the aquifer and to monitor water quality prior to and after the recharge activities begin. Initial discussions with the Equus Beds Groundwater Management District, the Division of Water Resources, the Kansas Geological Survey, and the United States Geological Survey, have indicated that 90 new wells and 45 sites are needed to provide an adequate monitoring network. The firms of Burns & McDonnell and Mid-Kansas Engineering Consultants have been involved in the development of the Water Supply Plan and the formation of the Equus Beds Recharge Demonstration Project. Their combined experience and background places them in a unique position to assist in the design and installation of the index wells. The recommendation is for a "Design/Build" project. There would be one Agreement for engineering services to design and site the index wells, and to complete construction.

Total cost for the Design/Build is \$587,555. Funds for this project are included in CIP W-549, Water Supply Plan Phase III, which has available funding of \$2.6 million in 2000.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 59

City Council authorization is required for projects that exceed \$10,000.

Motion --
-- carried

Knight moved that the Agreement and Notice of Intent to Publish be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-414

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$570,000 in 2000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 10e)

CONSOLIDATED PLAN **CHDO BOARDED-UP HOME PROGRAM/PROJECT.** (Districts I, III, IV, V, and VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-1145.

July, 18, 2000, the City Council approved substantial amendments to the 2000/2001 One-Year Action Plan for the City's 2000-2005 HUD Consolidated Plan, subject to citizen comments received during a 30-day comment period. The Council issued final approval of the amendments following the public comment period on August 22, 2000. The amendments included addition of the CHDO (Community Housing Development Organization) Boarded-up Home Program, which will provide CHDOs the ability to access funding in order to address boarded-up, or otherwise blighted homes in the City's Local Investment Areas.

Four of the City's CHDO's have agreed to participate in the program: Mennonite Housing, Community Housing Services, Power CDC, and Wichita Indochinese Center. These organizations have demonstrated capacity in the area of single-family housing projects, as required by HOME regulations. Other CHDO's can be added to the program at a later date, provided they are contracted with a single-family housing development consultant who will assist the organization with the project and provide training.

Allocation of HOME funding in the amount of \$200,000 was previously approved by the council August 22, 2000.

The grant agreement will be approved as to form by the City Law Department.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR HOSKINSON ADDITION – WEST OF RIDGE, SOUTH OF 37TH STREET NORTH. (District V)

Agenda Report No. 00-1146.

The City Council approved the project on March 28, 2000.

The proposed Agreement between the City and Austin Miller, P.A. provides for the design of bond financed improvements in Hoskinson Second Addition. Per Administrative Regulation 7a, staff recommends the selection of Austin Miller because Austin Miller provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 60

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES, 31ST STREET NORTH – HOOD TO ARKANSAS. (District VI)

Agenda Report No. 00-1147.

The City Council approved the project on September 12, 2000.

The proposed Agreement between the City and TranSystems Corporation provides for designing 31st Street North, from Hood to Arkansas. The Staff Screening & Selection Committee selected TranSystems for the design on October 11, 2000.

Payment will be on a lump sum basis of \$21,350, and will be paid by special assessments and General Obligation Bonds.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR KELLOGG/TYLER AND MAIZE INTERCHANGES. (District V)

Agenda Report No. 00-1148.

On June 10, 1997, the City Council entered into an Agreement with Professional Engineering Consultants (PEC) to provide preliminary design for West Kellogg, from the Mid-Continent Interchange to 161st Street West. The preliminary design was to be developed to a point so construction estimates could be made and right-of-way requirements could be determined.

The June 10, 1997, Agreement provides that PEC, when authorized by Supplemental Agreement, will prepare final construction plans. The Supplemental Agreement provides for these services for the Tyler Road and Maize Road portion of the corridor.

Payment to PEC will be on a cost plus fixed fee basis in an amount not to exceed \$1,925,171.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IRB - PRES. MANORS

PURCHASE OPTION AND EASEMENT REQUEST, CITY OF WICHITA HEALTH CARE FACILITIES REVENUE BONDS, SERIES IX-A, IX-B, AND SERIES IX-C 1990 – PRESBYTERIAN MANORS, INC. – EMPORIA FACILITIES.

Agenda Report No. 00-1149.

In 1990, the City of Wichita issued refunding and improvement revenue bonds to finance or refund previous financing on Presbyterian Manor, Inc. facilities throughout Kansas, including certain facilities in the City of Emporia. As part of the security for repayment of the Bonds, all of the financed facilities were subjected to the lien of the trust indenture, and subjected to certain restrictions on transfer or encumbrances, including easements.

The City of Wichita on October 30, 2000, received notice from Presbyterian Manors of Mid-America, Inc. requesting that the City grant a utility easement over and across a portion of unused land constituting a part of the Emporia project to the City of Emporia for the purpose of providing utility service to other buildings not a part of the Emporia facility; and also is requesting that the City deed a different unused portion of such land to Emporia for street purposes.

The requested easement is required in order to facilitate certain improvements to the water connections serving the Presbyterian Manor facility in Emporia. The requested deed is for street improvements. The Tenant has advised, and the Tenant and Trustee will certify, that no event of default exists under the Lease. The Tenant will further certify that the granting of the easement and deed will not be detrimental to the proper conduct of the Tenant's business in any manner or degree, and that the granting of the easement and deed will not impair the effective use or interfere with the efficient and economical operation of the Salina Facility and will not materially adversely affect the security pledged to the payment of the Bonds.

The cost of recording the easement and deed instruments will be paid by the Tenant or by the City of Emporia, and the transactions will be without cost to the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 61

The Bond documents permit release of portions of the property and grants of easement where the certification requirements set by the Lease have been met.

Motion --
-- carried

Knight moved that utility easement and special warranty deed be approved; and the Resolution be adopted.
Motion carried 7 to 0.

RESOLUTION NO. R-00-415

A Resolution authorizing the City of Wichita, Kansas, to execute and deliver to the City of Emporia, Kansas, a certain utility easement and further authorizing the City of Wichita, Kansas to execute and deliver to Presbyterian Manors, Inc., a special warranty deed to release a portion of property previously given in connection with its issuance of \$15,768,147.10 of Health Care Facilities Refunding and Improvement Revenue Bonds, Series IX-A, 1990, Series IX-B, 1990, and Series IX-C, 1990 (Presbyterian Manors, Inc.), presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 13)
KANSAS HOUSING

GRANT APPLICATION – KANSAS HOUSING TRUST FUND. (Districts I and III)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-1150.

The State of Kansas has issued a Notice of Funding Availability from the State Housing Trust Fund (SHTF). Eligible applicants include private firms, local governments, and other organizations. Projects are restricted to housing. Eligible use of the funds include homeownership, rental housing, housing with supportive services and development enhancement.

The \$1.5 million SHTF funding is competitive on a statewide basis with some consideration given to achieving a fair geographic distribution of funds.

The grant application proposes to use SHTF to acquire lots and deteriorated housing that are contiguous to each other and allow for voluntary acquisition of land for new housing construction. The projects will be restricted to the Planeview and McAdams neighborhoods. Project sites within the neighborhoods will be selected based on the availability of acquiring a minimum of 4 contiguous lots for the construction of new homes. Construction financing will include HOME funding and private financial institution funding. It is anticipated that once the land is acquired by the City utilizing SHTF, the City will enter into an agreement with a local non-profit CHDO to prepare the sites, develop construction agreements with local contractors, and sell the homes for owner-occupancy by income eligible households. First-time homebuyers will be eligible to apply for City of Wichita Homeownership 80 assistance. The State requires resolution of support from the local governing body.

The amount of the grant request is \$360,000. SHTF usage will be restricted to acquisition of vacant lots and lots with substandard units. HOME funding from existing programs will support the construction of the homes along with private financing. After the initial construction of a speculative home on the project sites, all future homes to be built will have purchase contracts in place prior to notice to proceed.

Motion --
-- carried

Knight moved that the application be approved; and submittal, receipt of funds, and necessary signatures be authorized. Motion carried 7 to 0.

EQUIPMENT

RIDING LITTER VACUUM.

Agenda Report No. 00-1151.

A riding litter vacuum was added to the 2001 Street Maintenance Operating Budget as a program option. This vacuum will be utilized by the existing Masters of Maintenance (MOM) crew as well as the additional MOM crew that will be added in 2001.

Litter removal is an ongoing process for the MOM crews in the downtown area, in Old Town, and along arterials and medials. The current process involves collecting the litter manually or blowing the debris into the street for street sweepers to pick up later in the night. Neither of these methods is totally effective and the purchase of the requested vacuum will greatly improve efficiency and crew safety.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 62

The General Services Administration (GSA) selected Tennant to supply the riding vacuum for their Contract through a competitive bid process. Street Maintenance is eligible to purchase a riding vacuum sweeper from the GSA Contract.

The riding vacuum is budgeted for 2001. Due to underexpenditures in the Street Maintenance Capital Budget for 2000, the purchase is being advanced to 2000. The cost of the vacuum is \$26,886.47.

City of Wichita Ordinance 38-122 Section 2.64 (J) provides to purchase supplies, services, and equipment from Contracts and Agreements of other governmental entities which have been awarded, subject to public bidding and approved by the proper governmental entity.

Motion -- Knight moved that the Purchasing Manager be authorized to purchase one riding vacuum sweeper from Tennant for \$26,886.47. Motion carried 7 to 0.
-- carried

STREET MAINTENANCE CHANGE ORDER – 2000 CONTRACT STREET MAINTENANCE PROGRAM. (District III)

Agenda Report No. 00-1152.

On December 7, 1999, the City Council approved the 2000 Street Maintenance Program. One part of the work is a concrete pavement joint and panel project at various locations. In order to maximize the available funds, the project scope was expanded to include the area of Hydraulic Avenue adjacent to the north and southbound I-35 ramp connections to Hydraulic Avenue.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$37,140. The funding source is General Fund Reserves.

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

PROPERTY ACQ. PROPERTY ACQUISITION – 24 WILLOWBROOK FOIR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-1153.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 24 Willowbrook, Robert and Diane Moore, have expressed an interest in selling this property to the City. The site contains 35,000 square feet and is improved with a 2,988 square foot stone single family residence. The property has three bedrooms and two-and-one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$280,000. The owner has located an acceptable replacement dwelling that is currently available. The replacement dwelling will require some renovation. Early acquisition will avoid future relocation, housing and moving expenses, which will be incurred if the property is acquired later as part of project acquisitions. An amount of \$370,000 has been negotiated. The property is in excellent condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$382,000 is requested. This includes \$370,000 for the acquisition, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

BUDGET BUDGET TRANSFER – INFORMATION TECHNOLOGY.

Agenda Report No. 00-1154.

The 2000 Revised Budget includes \$150,000 in the Information Technology budget in the contingency account. Since each fund is legally separate and accounted for independently, a contingency is included in the budget in the event that expenditures within that fund exceed budgeted amounts.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 63

Several factors have combined to cause the Telecommunications portion of the Information Technology budget to become over-expended. Billing problems on the part of a major vendor led to two months of 1999 bills not being received and paid until 2000. Additionally, changeover costs from Southwestern Bell to Adelphia are front-loaded. Savings will be realized, but there is an up-front cost to get into the lower-rate environment. Finally, several major City renovation projects have caused expenditures for moves, adds, and changes (MAC) to be much higher than anticipated.

Contingency funds are available within the Information Technology budget. It is requested that \$40,000 of the contingency funds be released to fund operations.

All budget adjustments over \$10,000 require Council approval.

Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 14, 2000)

- a) Industrial Revenue Bonds – The Boeing Company. (District II)

ORDINANCE NO. 44-816

An Ordinance approving and authorizing execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said City and BNY Trust Company of Missouri; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series VI, 2000 (The Boeing Company Project) of said City in the principal amount of \$41 million for the purpose of providing funds for the acquisition, construction, reconstruction, and improvement of certain industrial and manufacturing facilities of the Boeing Commercial Airplane Group, Wichita Division, a Division of The Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) A 00-15 – north of 21st Street North, east and west of Hoover. (District V)

ORDINANCE NO. 44-817

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-15

PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

DED2000-30

DED2000-30 – DEDICATION OF ACCESS CONTROL LOCATED SOUTH OF CENTRAL, ON THE EAST SIDE OF WEST STREET. (District V)

Agenda Report No. 00-1155.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-70 and is being dedicated for access control except for one opening along West Street.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 64

SUB2000-60

SUB2000-60 – PLAT OF PIZZA HUT PAWNEE/HYDRAULIC ADDITION LOCATED ON THE NORTHEAST CORNER OF HYDRAULIC AND PAWNEE. (District III)

Agenda Report No. 00-1157.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned LC, Limited Commercial. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2000-00049

VAC2000-00049 – AMEND PLATTOR'S TEXT, NORTH OF KELLOGG, EAST OF 151ST STREET. (District V)

Agenda Report No. 00-1157.

Staff Recommendation: Approve vacation to amend the platlor's text.
MAPC Recommendation: Approve vacation to amend the platlor's text. (unanimous)

The applicant is requesting to amend the dedicated usages of Reserve "H," Auburn Hills 5th Addition, to include golf course and golf course-related facilities.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to structures on Reserve "H" Auburn Hills 5th Addition, shall be limited to golf course and golf course-related facilities. No written protests have been filed.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT AGENDA

AIRPORT

CAPITAL IMPROVEMENT PROGRAM – BUDGET ADJUSTMENT – AIRFIELD ELECTRICAL VAULT IMPROVEMENTS – WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 00-1158.

On October 3, 2000 City Council approved plans and specifications and authorized bids for the Airfield Electrical Vault Improvements.

This project will include exterior drainage improvements and the addition of a dehumidifying system with related modifications to provide recently installed airfield electrical equipment a more stable environment to operate. In order to bid the work as designed and approved by the Federal Aviation Administration and to provide construction related services, a budget adjustment is necessary.

A budget adjustment would increase the approved budget by \$85,000. AIP Federal Grant funds have been accepted to reimburse 90% of eligible expenditures. The matching funds will ultimately come from Passenger Facility Charge collections although airport revenues will provide interim funding.

Council approval is required for budget adjustments in excess of \$10,000.

Motion -- carried

Knight moved that the budget adjustment be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 65

AIRPORT

AGREEMENT – TERMINAL APRON AND RUNWAY REHABILITATION – WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 00-1159.

On March 7, 2000 City Council authorized Staff Screening and Selection Committee to select a Consultant for the Terminal Apron Phase I & II and Runway “1R/19L” Shoulder/Blast Pad Rehabilitation.

On June 28, 2000 the Staff Screening and Selection Committee selected Wilson and Company for design of the projects.

The total cost of the design and bid phase services is \$43,538. AIP Federal Grant funds have been accepted to reimburse 90% of eligible expenditures. All of the matching funds will ultimately come from Passenger Facility Charge collections although airport revenues will provide interim funding for a portion. Funds are available within the project budget.

The Law Department has approved the agreement. FAA approval is pending.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

FIRE ALARM SYSTEM – 1801 AIRPORT ROAD - WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 00-1160.

The Wichita Airport Authority owns the facility located at 1801 Airport Road and leases it to the Federal Aviation Administration. The Authority has agreed by lease to operate and maintain the facility in return for rental consideration.

The current fire alarm system needs to be upgraded to meet ADA requirements, replace a non-supported alarm panel and replace detectors with smart devices. Smart devices allow Safety personnel to know exactly which detector is alarming and therefore provide more immediate response to the area of concern. Smart devices also negate the need for annual inspections of the system. Simplex is the local provider of the current fire alarm system in this facility so the upgrade is sole source for compatibility and also to allow parts interchangeability with other systems in existence on Mid-Continent Airport.

The proposal is for \$24,100 and is included in the current operating budget.

Motion -- carried

Knight moved that the proposal be accepted. Motion carried 7 to 0.

OFF AGENDA ITEM

TOWERS IN DISTRICT VI

Motion -- carried

Knight moved that the rules be set aside and an Item be brought up off Agenda. Motion carried 7 to 0.

Motion --

Cole moved that the three towers applications in District VI be brought to the City Council for review and consideration at the December 5, 2000, City Council meeting.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Greg Ferris

Greg Ferris, representing two of the applications, said the two applications went through District Advisory Boards (DAB). One of the DABs unanimously approved the application; the other DAB approved with one dissenting vote. The applications went through a conditional use and to the Planning Commission. In both cases, there was only one dissenting vote.

The only issue that has any bearing whatsoever on these tower applications is whether or not there are school towers available for use and to be referred to as the reason not to comply with the applicant's plan. In both cases, the Planning Director would have recommended approval were it not for school towers in the area.

Mr. Ferris said he tried, for three months, to be able to use the school towers. It is very embarrassing to have to tell the applicants that their plan may be in jeopardy because of school towers. There was a representative of the school district at the Planning Commission meeting. One hour was spent on the issue of school towers and the Planning Commission listened very carefully to the School District's position. The School District's position is that their

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 21, 2000

PAGE 66

towers will be of use but not for PCS carriers. PCS will require reconstruction of the school towers and those towers are not going to be available for reconstruction. There are State laws that are barriers. There are many issues.

The school towers are not available and they will not be available. The applicants have a very short timeline. There has been no protest at the District Advisory Board or the Planning Commission.

Council Member Ferris asked that, because of time considerations, that this Item not be delayed.

Chris Cherches

City Manager said that, several weeks ago, a meeting was requested between the City Council and the School Board to discuss this entire area to see whether there could be some accommodation made whereby, if there are school towers, could they be placed in such a way to accommodate others to the extent that duplication of towers could be eliminated. At that time, the School Board indicated that they were just too busy to have that meeting.

A meeting of some representation of both governing bodies is still desired – if not for this, at least for the long-term issue that will be confronting the City consistently. Based on conversation with the School Superintendent, it is unlikely a meeting can be scheduled until sometime after the Thanksgiving holidays.

-- carried

Motion carried 7 to 0.

OFF AGENDA ITEM

GOLF COURSE PROS

Motion -- carried

Knight moved that the rules be set aside and an Item be brought up off Agenda. Motion carried 7 to 0.

Motion --
-- carried

Martz moved that Staff be directed that future discussion regarding golf course management be that there will be a PGA Pro located at and running each golf course. Motion carried 7 to 0.

RECESS

The City Council recessed to workshop sessions on Telecommunications and the Northwest Traffic Study at 9:50 a.m. and reconvened in regular session at 11:08 a.m.

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess and move to executive session at 11:30 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and that the Council return from executive session no earlier than 12:30 p.m.

RECESS

The City Council recessed at 11:10 a.m. and reconvened at 12:32 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council adjourned at 12:32 p.m.

Pat Burnett CMC
City Clerk